

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

BRO. T. HESED-EL,

Plaintiff,

v.

JOHN DOE, et al.,

Defendants.

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Civil Action No. CV 119-285

FILED  
ASHEVILLE, N.C.

OCT 22 2020

U.S. DISTRICT COURT  
W. DIST. OF N.C.

**NOTICE OF VOLUNTARY DISMISSAL**

*Question 2. Who is ALLAH? ALLAH is the Father of the Universe.*  
**101 Questions for Moorish Americans**

Pursuant to Federal Rule of Civil Procedure Rule 41(a)(1), Plaintiff hereby gives notice that Defendants John Doe, Robin Bryson, Mission Hospital, and Hospital Does 1-10, inclusive of all claims against those named parties, are hereby dismissed WITHOUT PREJUDICE.

This action shall proceed upon Plaintiff's claims against Defendants Buncombe County and proposed claims against putative defendants former Sheriff Van Duncan, Sheriff Miller, and Western Surety Company. All others are entirely dismissed from this action without prejudice.

No person has answered Plaintiff's complaint or filed a summary judgment.

**CITATIONS OF AUTHORITY**

"Rule 41(a)(1)(i) grants a plaintiff the absolute right to voluntarily dismiss its complaint before the adverse party answers" *In re Matthews*, 395 F.3d 477, 482 (4th Cir. 2005). "[A] voluntary dismissal under Rule 41(a)(1)(i) is available as a matter of unconditional right and is self-executing, i.e., it is effective at the moment the notice is filed with the clerk and no judicial approval is required. As such, a dismissal without prejudice operates to leave the parties as if no action had been brought at all. [Plaintiff] can renew [his] position, where appropriate, should

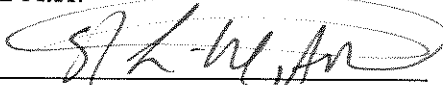
another action be filed". *Novosel v. White*, 1:19CV365, 5 (M.D.N.C. Dec. 6, 2019) (internal quotation marks and citations omitted). "[I]t is clear the Fourth Circuit has tacitly approved of the use of [Rule 41(a)] as a vehicle to dismiss discrete claims and parties from actions as well as actions in their entirety." *Bridgetree, Inc. v. Red F Marketing LLC*, Civil Action No.: 3:10-cv-228-FDW-DSC, 3 (W.D.N.C. Sep. 16, 2011).

"If an action commenced within the time prescribed therefor, or any claim therein, is dismissed without prejudice under this subsection, a new action based on the same claim may be commenced within one year after such dismissal" N.C. Gen. Stat. § 1a-1, Rule 41.

### CONCLUSION

John Doe, Robin Bryson, Mission Hospital, and Hospital Does 1-10, and any claims against them, are hereby voluntarily dismissed from this action WITHOUT PREJUDICE.

Executed this 3<sup>rd</sup> day of Rabi Al-Awwal, 1442 A.H.

  
Plaintiff *pro se* Bro. T. Hesed-El  
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## CERTIFICATE OF SERVICE

The undersigned certifies that Defendant Buncombe County has ~~on this day~~ been electronically served with Plaintiff's *Notice of Voluntary Dismissal*, via an attachment to an email.

**County of Buncombe**  
c/o Attorney Curtis W. Euler  
200 College Street, Suite 100  
Asheville, NC 28801  
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**Robin Bryson and Mission Hospital, Inc.**  
c/o Attorney Richard S. Daniels  
Patla, Straus, Robinson & Moore, P.A.  
Post Office Box 7625  
Asheville, North Carolina 28801  
Telephone: (828) 255 7641  
Facsimile: (828) 258 258-9222  
[rsd@psrmlaw.com](mailto:rsd@psrmlaw.com)

This 20<sup>th</sup> day of October, 2020 A.D.

  
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NATURAL PEOPLE LAW